



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/SOUTH/KL/01/07/2024

July 26, 2024

To,  
Mr. Indrajeet Kumar,  
National Focal Point - Human Rights Defenders & Deputy Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA, New Delhi –110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Kozhikode – Fraternity movement  
protestors arrested by Kozhikode Police**

Greetings from Human Rights Defenders Alert!

HRD Alert -India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our concern regarding the registration of an FIR against a student activist from Fraternity movement by Kozhikode police on June 24, 2024.

**About the Human Rights Defenders:**

The students from Fraternity movement, Kerala

**Source of Information:**

- In communication with the HRDs
- Media reports

**Perpetrators:**

Police officials of Kozhikode

**Date of Incident:**

June 24, 2024

**Place of Incident:**

Rajaji Junction, Kozhikode

**Background:**

In Kerala Malabar districts students are experiencing a shortage of class 11 seats in their preferred subjects and schools. Thus the students have been protesting against seat shortage and demanded authorities allot additional batches instead of merely increasing the number of seats.

**Details of the Incident:**

On June 24, 2024 around 11.00 AM student activists from Fraternity movement staged a protest at Rajaji Junction, Kozhikode. The protest was organised by Fraternity movement state vice president Labeed Kayakkodi, State Secretary Latheef PH and District President Muneeb. The protest organisers informed the police prior to the protest march and called for the protest march on June 24, 2024. Around 100 student activists from the Kozhikode district participated in the protest march.

Five minutes later the Kozhikode police attacked the student protestors, they tried to disperse the protestors and then detained Labeed Kayakkodi, Latheef PH, Muneeb Elamankal, Afnan Velom, Mubashir Cheruvannur, manna, Mujahid Mepayyur and 15 other students in a police van.

During detention the police officials assaulted Afnan Velom due to which he sustained severe chest pain and was shifted to the hospital by the police. Then the police released Afan Velom and two minors who were among the detained and registered an FIR against Labeed Kayakkodi, Latheef PH, Muneeb Elamankal, Mubashir Cheruvannur, manna, Mujahid Mepayyur and 13 other student activist. Later the police released all of the student activist under station bail.

HRDA is deeply concerned about the police brutality on a peaceful student protest. Every person has a the right to life and liberty enshrined under Article 21 of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of International covenant on civil and political rights, 1966. The Right to life includes right against arbitrary arrest or detention. These instances amount to complete violation of the DK Basu guidelines of arrest, Indian laws, Constitution of India and the fundamental right to life and personal liberty granted by **Article 21** of the Indian Constitution.

The **Article 5** of the Universal Declaration of Human Rights and **Article 7** of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas **Article 2** of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of **Article 12** of the declaration state: "*The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*"

The Right to protest is recognized under several international instruments, including:

- I. The International Covenant on Economic, Social and Cultural Rights (Article 8),
- II. Article 5 (a) of the Declaration on Human Rights Defenders 1998 states that "For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, to meet or assemble peacefully".

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

The right to exercise freedom of speech and expression is enshrined under Article 19 (a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects:

- I. The right to hold opinions without interference;
- II. 2)The right to access to information, and
- III. The right to impart information and ideas of all kinds.

HRDA strongly believes that the detention and registration of FIR against student activists is an act of reprisal for their activism as a human right defenders.

**Appeal:**

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the arbitrary detention and registration of FIRs on HRDs and submit the report to NHRC within Two Weeks.
- Based on the result of the inquiry, direct the Director General of Police Kerala to take necessary action and submit a report to the NHRC within two weeks.
- Since this is a blatant case in misuse of freedom of assembly, we ask you invoke you powers under section 12 (b) to intervene in the relevant court to quash the FIRs registered against the HRDs.
- Direct the Director General of the Police of Kerala to ensure the safety of protestors and their family to protect them from further harassment by the police.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary